



**APPEAL OF SCHOOL IMPACT FEE ASSESSMENT
(LAND-2016-01162)**

**BUILDING PERMIT # BLDG-2015-09804
PLANNING DEPARTMENT REPORT TO HEARING EXAMINER**

MEMO TO: Sharon Rice, Hearing Examiner

FROM: Planning Department

DATE: August 17, 2016

PREPARED BY: Gary Lee, Senior Planner (425) 556-2418
Jason Rogers, Senior Planner (425) 556-2414

SUBJECT: ADMINISTRATIVE APPEAL OF THE ASSESMENT OF SCHOOL
IMPACT FEES FOR THE 96-UNIT RESIDENTIAL SUITE PROJECT
KNOWN AS 162TEN, BUILDING PERMIT # BLDG-2015-09804

REQUEST: The appellant is appealing the proportionality of the School Impact fee
assessed in relation to the impact the project might have on the school
district.

HEARING DATE: August 17, 2016

ATTACHMENTS

EXHIBIT A: Appeal Form (LAND-2016-01162)

EXHIBIT B: Building Permit Receipts

EXHIBIT C: Impact Fee Worksheet

EXHIBIT D: Interlocal Agreement

BACKGROUND

Appellant Robert Pantley
Natural and Built Environment LLC
2025 Rose Point Lane
Kirkland, WA 09083 (Exhibit A)

Project
Applicant: Robert Pantley
Natural and Built Environment LLC
2025 Rose Point Lane
Kirkland, WA 09083

Building Permit Payment Date: May 31, 2016, File # BLDG-2015-09804

Appeal Filed: June 14, 2016

Hearing Date: August 17, 2016

Project Location: The proposed project is located at 16210 NE 80th Street

Description of Project: 96 Residential Suites with 786 square feet of retail space,
and 4 common kitchens

The subject development is the construction of a 96 unit residential suites building, with 786 square feet of retail space. The building will have 4 common kitchens (one on each floor) to be shared amongst the 96 residential suites. As with a similar development, Vision 5 with 96 suites and 8 common kitchens, the Lake Washington School District had the City of Redmond assess the multi-family unit school impact fee for each kitchen in the building. Thus, a fee of \$816.00 per kitchen was assessed to the building with 4 common kitchens, totaling \$3,264.00. (See Exhibit B- Building Permit Receipts and Exhibit C- Impact Fee Worksheet).

JURISDICTION

In accordance with RZC Section 21.76.060(I), Appeal of Type I and II Decisions, the appellant is required to specify the basis of their appeal. An appeal must be based on an error of law or

fact, procedural error, or new evidence which could not have been reasonably available at the time of the public hearing or consideration of approval. The appellant must provide: 1) facts demonstrating that they were adversely affected by the decision, 2) a concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria, 3) the specific relief requested, and 4) any other information reasonably necessary to make a decision on the appeal.

APPELLANT'S BASIS FOR APPEAL

The appellant has appealed the Assessment of the School Impact Fee based upon the following assertion:

- 1) The assessment of School Impact fees on a per-kitchen basis (4 kitchens/multi-family units) is disproportionate to the impacts anticipated on the school district.

RELIEF SOUGHT BY APPEAL

The appellant is seeking the following relief through this appeal:

- 1) That the Hearing Examiner review the school district's assessment of impact fees and revise the assessment to a maximum of one multi-family unit per SRO development, or other evidentiary-based assessment based on proportionate impact and compliant with Redmond Code and Washington State law.

ANALYSIS

The following is an analysis regarding the assertion raised by the appellant.

Assertion 1: The assessment of School Impact fees on a per-kitchen basis (4 kitchens/multi-family units) is disproportionate to the impacts anticipated on the school district

Staff Response: Pursuant to the Interlocal agreement between the City and Lake Washington School District No. 414 (Exhibit D- Interlocal Agreement), the City is to administer appeals from the imposition of impact fees, and the District is to participate in the appeals of impact fees. With that, City staff is providing the background for the appeal, and the City is providing the venue for the appeal hearing, while the District will be providing a response to the Appellant's assertions.

For background, the Lake Washington School District has established a fee to be charged per multi-family unit (\$816.00 for 2016). With a similar Residential Suites development (Vision 5), the fee was assessed to each kitchen in the development. In the case of Vision 5, that development included 8 kitchens (to be shared amongst the 96 residential suite units), thus that development was assessed at a rate of 8 multi-family units. This development is being assessed at a rate of 4 multi-family units (for the 4 kitchens) to be shared amongst the 96 residential suite units.

STAFF RECOMMENDATION

Prior to the public hearing and based on the analysis included in this report, staff recommends the Hearing Examiner hear from the Appellant and Lake Washington School District, and determine the appropriate school impact fee for this project.

CONCLUSIONS IN SUPPORT OF THE STAFF RECOMMENDATION

Pursuant to the interlocal agreement (Exhibit D), the City's responsibility is to collect school impact fees and administer appeals, and the District is to participate (defend) in the appeal which challenges the methodology used to arrive at the per unit impact fee, thus City staff is not providing a recommended outcome, other than for the Hearing Examiner to hear and decide on the appeal.



Robert G. Odle, Director
Department of Planning and
Community Development



Linda E. De Boldt, Director
Department of Public Works